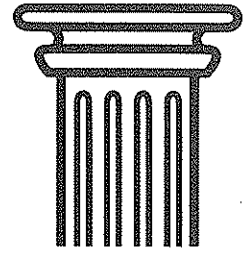


Carolyn Wysocki



BOARD GOVERNANCE

# State Statutory Authority for Local Boards of Health



N A L B O H

National Association of Local Boards of Health

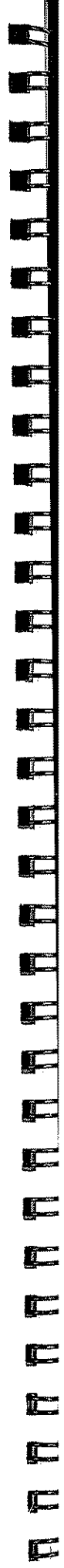


**State Statutory Authority  
for  
Local Boards of Health**

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## Disclaimer

*State Statutory Authority for Local Boards of Health* is for informational purposes only. For legal advice or interpretation of specific statutes, please consult a practicing attorney with expertise in the law of your state or locality.

The National Association of Local Boards of Health does not guarantee the contents of this resource. Laws change frequently, and interpretations of statutes vary from court to court.

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## Notes

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## Executive Summary

### Board Jurisdiction

Forty-four state codes address local boards of health. The majority of these provide for two or more levels of jurisdiction within their respective states. Fifteen states include all three of the most common jurisdiction types: district, county, and city and/or town. Ten states include the three common jurisdiction types, as well as additional ones.

Only six states designate a single jurisdiction type for local boards of health: Delaware, Maine, and Pennsylvania statutes describe city or town boards of health; Georgia and Maryland statutes acknowledge county boards of health; and New Hampshire statutes mention only district boards of health.

Among states with statutes providing for multiple board of health (BOH) jurisdiction levels:

- 34 include County BOHs
- 34 include City and/or Town BOHs
- 28 include District BOHs
- 4 include Health District BOHs

Twenty-three states include a local board of health jurisdiction or structure other than the four listed above. These are often combinations of existing jurisdictions, such as city-county or city-city boards of health. Seven states include some form of advisory health board, usually distinct from local boards of health.

### Appointing Authority

The vast majority of state codes include some language describing appointment of members to local boards of health. Nine states also provide various election mechanisms for use in specific situations.

Appointment authority and process varies widely among states, with some describing different processes for each board of health jurisdiction type. Overall:

- 33 include appointment by a board of county commissioners, board of supervisors, and/or a county or city executive
- 17 include appointment of ex officio members, usually of local government officials such as a mayor or county commissioners
- 3 do not specify any appointing authority or process (Georgia, Maine, and Vermont)

Four states mention unique appointing structures or processes. These include vesting appointing authority in school boards (Alaska), and including district licensing councils (Ohio) or county district judges (Oklahoma) in making appointments. In South Dakota, county governing boards elect committees to make appointments to district boards of health.

### Terms of Office

As in other areas, rules for terms of office vary among states, and often within states, depending on the jurisdiction level of the board and other factors. While a few states specify terms of 1 or 2 years, the majority make them significantly longer:

- 20 states include 4-, 5- or 6-year terms for at least one BOH jurisdiction type
- 11 states do not specify terms of office
- 10 states include 3-year terms
- 3 states allow local governing authorities to determine terms (South Carolina, Washington, and Wisconsin)
- 9 states describe varying terms, based on jurisdiction level or type of board member<sup>1</sup>

## Composition

Composition requirements for local board of health range from unstated to highly detailed. Where statutes elaborate on board composition, the most common professional category named was physician:

- 27 states require or encourage a physician on most boards<sup>2</sup>
- 4 states do not specify any board composition requirements
- 3 states explicitly require knowledge and/or interest in public health or sanitation in selection criteria for members (Idaho, Nevada, and Oregon)

Nurses, dentists, veterinarians, and other health care and public health professionals are required in a small number of statutes. Representation of specific social or demographic groups is also written into a small number of state statutes. These include references to gender (Maine), political party (Indiana and West Virginia), rural and urban populations (Idaho), and vulnerable populations (Georgia).

## Local Board of Health Role

Most state statutes do not expressly define the role of local boards of health, distinct from specified powers and duties. Among those with specific language on board of health role, four categories emerge:

- policy-maker for the health jurisdiction
- advisory role only
- rulemaking
- managerial/supervisory role over local health department or other entities

## Powers

Seven states do not include specific board of health powers in their statutes. Among the remainder, some of the more common powers specified include:

- set fees for local board or health department services
- investigate and abate nuisances
- make rules and regulations concerning public health
- acquire land, receive gifts
- sue and be sued
- make bylaws for board's own governance
- administer vaccines or other treatments for certain diseases

<sup>1</sup> On boards where representation from specific categories such as physician, nurse, community member, etc. is described.

<sup>2</sup> Several specify that a physician is required *if available*.



- hire employees and set duties/wages
- contract with any entity
- provide health services to the community
- hold hearings, compel witnesses to testify, subpoena witnesses

## Duties

Four states do not include specific board of health duties in their statutes. Among the remainder, some of the more common duties specified include:

- elect a president and/or other officers in the board of health from among the members
- enforce public health regulations and laws, including its own regulations
- provide for the treatment of diseases, and other medical services
- abate nuisances (included in 'powers' in some states)
- appoint a health officer, determine compensation, etc.
- hold adjudicative hearings
- adopt written procedures, policies, and/or regulations
- submit an annual budget
- meet regularly and hold meetings
- provide facilities for its employees and promote public health

## Compensation

By and large, local board of health members serve as volunteers. A number of state codes indicate that some categories of board members are paid while others are not, or that board members are paid a nominal sum. In addition:

- 17 states are silent on the issue of pay for BOH members
- 12 states indicate that BOH members are to be paid
- 8 states expressly state that BOH members serve without pay

## Budget Oversight

Most state codes are silent on the issue of budget oversight powers for local boards of health. Fourteen states' statutes indicated general budget oversight powers, and six provide budget oversight authority for some but not all local board jurisdiction types.

## Limitations on Powers

Where statutes expressly limit local board of health powers, a few common themes emerge:

- boards may not make rules less stringent than state or other local public health laws
- boards may not make rules that conflict with existing laws and/or the state department of health
- boards are under the supervision and control of the state department of health (or comparable entity)
- boards are limited to their local jurisdiction in their powers and duties

## Alabama

### Relevant Statutes

Ala. Code §§ 22-3-1, et seq.

### Local BOH Jurisdictions

Alabama statutes provide for county boards of health. § 22-1-3.

### Board Composition Requirements

The boards of censors of county medical societies are constituted county boards of health of their respective counties. The presiding officer of each county commission must also be a member of its board of health. §§ 22-3-1, 22-3-2.

### Appointing Authority

Not addressed in statute; all board of health members serve ex officio. §§ 22-3-1, 22-3-2.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

County boards of health shall: supervise enforcement of the health laws of the state; by proxy of a health officer, investigate cases or outbreaks of reportable diseases and enforce measures for prevention, investigate and take necessary steps to abate all public nuisances, and exercise special supervision and abate any unsanitary conditions in schools, hospitals, prisons (full list in statute), etc.; elect a county health officer; and, in the case of formation of a district health department, meet in joint session and elect a full-time health officer. § 22-3-2.

A county board of health may solicit, receive, and hold gifts, devises, and bequests of money, real estate, and other things of value to be used in the support, development, and carrying on of their work. § 22-3-3.

### Additional Notes

County boards of health are subject to the supervision and control of the State Board of Health. § 22-3-2.

## Alaska

### Relevant Statutes

Alaska Stat. §§ 18.10.010, et seq.

### Local BOH Jurisdictions

Alaska statutes provide for city (health unit) and district (multi-unit) boards of health. §§ 18.10.010, 18.10.040.

### Board Composition Requirements

City boards of health are composed of the president of the school board and two other citizens, at least one of whom must be a physician, if practicable. Where there is no school board, three residents (including one physician) are chosen by the Commissioner (of Health and Social Services). § 18.10.010.

### Appointing Authority

School board appoints; where there is no school board, the State Commissioner appoints. § 18.10.010. For district boards of health (health districts), the department (of health and social services) of residents of the health unit appoints. § 18.10.040. For district boards, appointments are made by the department from residents of each health unit or incorporated city represented in the health district. § 18.10.040.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

Not specified in statute.

### Additional Notes

Each board of health is responsible to, and under the supervision of, the Commissioner. § 18.10.050.

## Arizona

### Relevant Statutes

Ariz. Rev. Stat. §§ 36-181, et seq.

### Local BOH Jurisdictions

Arizona statutes provide for county boards of health and city boards of health (where county health departments have not been established). §§ 36-183, 36-188.

### Board Composition Requirements

In a county with three supervisorial districts, the board shall be composed of five members, including a member of the board of supervisors, a licensed physician, and three citizens (one from each district), selected for their interest in public health.

In the event a board of supervisors determines to appoint a nine-member board, the board shall consist of a member of the board of supervisors, a licensed physician, a member of a city governing body selected by the board, and six citizens selected for their interest in public health. The citizen members shall be residents of different supervisorial districts, so that each district in the county has two representatives on the board.

In a county with five supervisorial districts, the board shall be composed of eleven members, including a member of the board of supervisors, a licensed physician, five citizen members (one from each district) selected for their interest in public health, and an additional four citizen members from the county at large.

In all cases, the director of a county health department serves, without vote, as an ex officio member. Citizen members shall not be county health department employees. § 36-183.

### Appointing Authority

County board of supervisors appoints. § 36-183.

### Terms of Office

The members selected from the board of supervisors and the city governing body shall serve during their terms of office. The physician member and the citizen members representing their districts shall serve for 4 years. On 11-member boards (with four additional, at-large citizen members), the city governing body member shall serve for 4 years; one citizen member shall serve for 1 year, one citizen member for 2 years, and one citizen member for 3 years. § 36-183.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A county board of health shall annually elect a president and vice-president, adopt rules of procedure, and keep minutes of all meetings. Additional duties include: advise and request information from the director of the health department as necessary, make rules and regulations for the protection and preservation of public health, advise the board of supervisors regarding suitable facilities and equipment for the health department, recommend rules and regulations for adoption by the board of supervisors, and submit a health department budget each year to the board of supervisors. §§ 36-184, 36-185.

A county board of health may adopt a schedule of fees, approved by the county board of supervisors, for licenses, permits, and other services of the department of health services or environmental quality. § 36-187.

### Additional Notes

None.

# Arkansas

## Relevant Statutes

Ark. Code §§ 14-262-101, et seq.

## Local BOH Jurisdictions

Arkansas statutes provide for district, county, and city boards of health. §§ 14-262-102, 14-262-113.

## Board Composition Requirements

All boards shall be composed of five members, including one physician for county and district boards, and two physicians for city boards. The mayor of the city shall be an ex officio member of a city board of health. §§ 14-262-102, 14-262-113, 14-262-116.

## Appointing Authority

City mayors appoint city boards of health; county courts appoint county and district boards of health. §§ 14-262-102, 14-262-113.

## Terms of Office

All board members serve 5-year terms. §§ 14-262-116, 14-262-113.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A city board of health shall: secure the city from infectious diseases; choose officers and make rules for its own governance; provide and maintain all necessary facilities for the health department; determine policies for, and advise the public health officer in, enforcing the laws, rules, and regulations of the city and state boards of health; and periodically issue orders and adopt rules and regulations. §§ 14-262-102, 14-262-116. The board may exercise jurisdiction 1 mile beyond the city limits, and for quarantine purposes, 5 miles. § 14-262-102.

A county or district board of health shall: choose officers and make rules for its own governance; provide and maintain all necessary facilities for the health department; determine policies for, and advise the public health officer in, enforcing the laws, rules, and regulations of the city and State Board of Health; and periodically issue orders and adopt rules and regulations. § 14-262-115.

## Additional Notes

None.

## California

### Relevant Statutes

Cal. Civ. Code §§ 101300, 101455.

### Local BOH Jurisdictions

California statutes provide for county boards of health, and expressly do not preclude a city's governing body from appointing a board of health. §§ 101300, 101455.

### Board Composition Requirements

Not specified in statute.

### Appointing Authority

The county board of supervisors appoints the county board of health; the governing body of the jurisdiction may appoint a city board of health. §§ 101300, 101455.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

County boards of health, when created, serve as a local advisory group. § 101300. City boards, when appointed, shall be advisory to the health officer. § 101455.

### Powers and Duties

Not specified in statute.

### Additional Notes

None.

## Colorado

### Relevant Statutes

Colo. Rev. Stat. §§ 25-1-501, et seq.; §§ 25-1-601, et seq.

### Local BOH Jurisdictions

Colorado statutes provide for district, county, and city boards of health. §§ 25-1-502, 25-1-608.

### Board Composition Requirements

County boards of health shall consist of five county residents; no business or profession shall constitute a majority. District boards of health shall consist of seven to nine members, with one member appointed by their county's board of commissioners for each of the counties comprising the district. § 25-1-502.

The mayor and council or trustees of each incorporated town or city serve as the board of health. In parts of a county not represented by a town or city organization, the board of health shall consist of the board of county commissioners and the clerk of the county. §§ 25-1-608, 25-1-609.

### Appointing Authority

The board of county commissioners appoints county and district boards; the mayor and council can serve as the board of health for cities and towns. §§ 25-1-502, 25-1-609.

### Terms of Office

Board of health members serve staggered 5-year terms. § 25-1-502.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A board of health shall: elect officers; provide and maintain all necessary facilities for the health department; set policies for administration and enforcement of the laws and rules of the local board of health and the State Board of Health; act in an advisory capacity to the public health administrator; issue orders and adopt rules and regulations; hold hearings, administer oaths, subpoena witnesses, and take testimony in all relevant matters; disburse and administer all federal, state, and other aid allotted for local public health functions; establish fees for personal health and environmental health services rendered by the health department; appoint physician(s) to the board as health officers, and determine their compensation; assure the provision of public health nursing services in its jurisdiction; make regulations regarding, and examine and abate, nuisances; provide and maintain facilities and staff for a hospital; assign certain places for the exercise of any trade or employment dangerous to the public health; and give notice of all its regulations. §§ 25-1-503, 25-1-611, 25-1-613, 25-1-610, 25-1-610.5, 25-1-660, 25-1-644, 25-1-651.

A board of health may: employ a licensed physician to advise the public health administrator; make agreements to receive funds or other assistance; establish fee conditions for personal home health care services; grant permits for the removal of any infected article or sick person, within its jurisdiction; and provide for the inoculation of residents with cowpox. §§ 25-1-505, 25-1-507, 25-1-648, 25-1-608, 25-1-638.

### Additional Notes

None.

## Connecticut

### Relevant Statutes

Conn. Gen. Stat. §§ 19a-207, et seq.

### Local BOH Jurisdictions

Connecticut statutes provide for district and optional city (municipal) boards of health. § 19a-241.

### Board Composition Requirements

Not specified in statute.

### Appointing Authority

The governing body of each town, city, or borough comprising a district appoints members to the district board of health, based on their populations. § 19a-241.

### Terms of Office

Board of health members serve 3-year terms. § 19a-241.

### Statutory Role of BOH

The district board of health shall manage the affairs of the district department of health. § 19a-241.

### Powers and Duties

A board of health shall appoint an appropriately qualified person to be director of health for the district, and meet at least quarterly. §§ 19a-242, et seq.

A board of health may: create, adopt, amend, and repeal bylaws, rules, and regulations; sue and be sued; enter contracts and acquire real estate; provide for the financing of the programs (including borrowing money), projects, and other functions of the district; and have other powers as are necessary as an independent entity of government. §§ 19a-242, et seq.

### Additional Notes

None.

## Delaware

### Relevant Statutes

Del. Code Tit. 16, §§ 3-301, et seq.

### Local BOH Jurisdictions

Delaware statutes provide for city and town boards of health. § 3-301.

### Board Composition Requirements

Boards of health shall consist of three to seven members, including at least one physician. § 3-301.

### Appointing Authority

The cities' common councils and incorporated towns' town commissioners appoint board of health members. Where vacancies are unable to be filled, the council or commission members may hold seats. § 3-301.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A board of health shall: elect officers annually and meet at least once every 3 months; and supervise all public laundries and washhouses, and order them closed while unsanitary conditions are addressed. §§ 3-302, 3-304.

A board of health may: make orders and regulations concerning quarantine; and make entry for, and order the abatement of, public nuisances, and impose fines and recover expenses for such activities when appropriate. §§ 3-303, 3-305, 3-307, 3-308, 3-309, 3-310, 3-311, 3-313, 3-315.

### Additional Notes

The city of Wilmington is expressly excepted from the board of health appointment and membership requirements. § 3-301.

## Florida

### Relevant Statutes

Florida statutes are silent on local boards of health.

## Georgia

### Relevant Statutes

Ga. Code §§ 31-3-1, et seq.

### Local BOH Jurisdictions

Georgia statutes provide for county boards of health. § 31-3-1.

### Board Composition Requirements

Board of health members must not be employed by the department of health. In counties with populations under 800,000, the board of health shall consist of the following seven members: chief executive officer of the county; county superintendent of schools; a physician, nurse, or dentist; a consumer or advocate; a consumer or nurse; a consumer who will represent the county's needy, underprivileged, or elderly community; and the chief executive officer of the largest municipality of the county. § 31-3-2.

In counties with populations over 800,000, the board of health shall consist of the following seven members: county superintendent of schools, chairperson or chief executive of the county, superintendent of the largest independent school system, mayor of the largest municipality, a physician, and two other members. § 31-3-2.1.

### Appointing Authority

For county boards of health, the governing authority of a county, the governing authority of the largest municipality in the county, and the county school superintendent make appointments.

For county boards of health and wellness (counties over 800,000), the governing authority of the county, the county superintendent of schools, the governing authority of the largest municipality in the county, the grand jury of the county, and the superintendent of the largest independent school system within the county make appointments. §§ 31-3-2, 31-3-2.1.

### Terms of Office

Board of health members serve 6-year terms; members serving ex officio serve for their terms of office. § 31-3-2.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A county board of health shall: meet at least quarterly, record minutes of its proceedings, and maintain accurate accounting records; appoint as chief executive officer a director who shall be a physician licensed to practice medicine; determine the health needs and resources of its jurisdiction by research, analysis, and evaluation of data; develop responsive programs, activities, and facilities; secure compliance with rules and regulations of the department of human resources and enforce laws pertaining to health; and adopt regulations governing installation of on-site sewage management systems. §§ 31-3-4, 31-3-5, 31-3-8, 31-3-11.

A county board of health and wellness (boards of health in counties over 800,000) shall: supervise all matters relating to health and sanitation, with quarantine authority; accept the services of the county attorney; make recommendations regarding health and sanitation regulations and orders to the governing body of the county; and authenticate records, documents, or other items for admission as evidence. § 31-3-2.1.

A county board of health may: adopt bylaws for its own governance, exercise authority in all public health matters not under another agency, prevent disease and unhealthy conditions, determine compliance with health laws and standards, adopt and enforce regulations, receive and administer funds, make contracts and establish fees for its services, contract with state agencies for assistance, develop and implement

activities for injury prevention, and utilize the county attorney or employ other counsel to assist in performing its duties. §§ 31-3-4, 31-3-6, 31-3-10.

**Additional Notes**

None.

## Hawaii

### Relevant Statutes

Hawaii statutes are silent on local boards of health.

## Idaho

### Relevant Statutes

Idaho Code §§ 39-401, et seq.; § 59-509.

### Local BOH Jurisdictions

Idaho statutes provide for district boards of health. § 39-410.

### Board Composition Requirements

Boards of health shall include one physician, if available, and no more than one member from any professional or special interest group. In addition, each member must be a U.S. citizen, resident of Idaho and the public health district for 1 year, and a qualified elector. Representation shall be assured from rural as well as urban population groups, and due regard shall be given to members' interest in and knowledge of promoting public health. § 39-411.

### Appointing Authority

Each board of county commissioners in the district appoints one member to the district board of health. § 39-411.

### Terms of Office

Members serve 5-year terms. § 39-411.

### Statutory Role of BOH

Each district board of health shall be vested with the authority, control, and supervision of the district health department, and shall be responsible for supervision of all district health programs. § 39-410.

### Powers and Duties

A board of health shall: cooperate with state and local agencies; select a member to serve on the board of trustees of the Idaho district boards of health; deposit all monies received to the respective division or sub account of the public health district; establish a fiscal control policy required by the State Controller § 39-414; and provide for financial audit of the health district no less than every 2 years. § 39-414A.

A board of health may: enforce state and district health laws and regulations; do what is necessary to preserve and protect the public health; establish locations for main and branch offices; enter contracts with other government agencies in order to render and be paid for board of health services; purchase, sell, rent, and lease property; accept and utilize any funds and property that may be donated to it; agree to render services for fees (to non-governmental entities); administer and certify solid waste disposal site operations, closure, and post-closure procedures established by statute or regulation § 39-414; have quarantine powers identical to the state's within the public health district § 39-415; and adopt, amend, or rescind rules and standards as it deems necessary. § 39-416.

### Additional Notes

Proposed board of health rules and amendments shall be submitted for review and comment to the State Board of Health and Welfare, and to the board of county commissioners of each county in the district. The State Board of Health and Welfare shall disapprove of the rules which conflict with state laws or rules. § 39-416(3).

# Illinois

## Relevant Statutes

55 Ill. Comp. Stat. §§ 5/5-20001, et seq.; 55 Ill. Comp. Stat. §§ 5/5-25012, et seq.; 65 Ill. Comp. Stat. § 5/11-16-1; 65 Ill. Comp. Stat. §§ 5/11-17-1, et seq.

## Local BOH Jurisdictions

Illinois statutes provide for district, county, multi-county, city, and “consolidated” boards of health. §§ 5-20001, 5-25019, 11-16-1, 11-17-1.

## Board Composition Requirements

The county board of health shall be composed of the board of county commissioners in counties not under township organization, and the supervisor, assessor, and each town clerk in counties under township organization. § 5/5-20001. County boards of health may consist of eight to ten members. § 5-25102. Municipal public health boards shall include five directors, including two who are duly licensed to practice medicine and surgery and have been in the actual practice, and three who are citizens of the municipality. § 5/11-17-3.

## Appointing Authority

In counties, the board of county commissioners in counties not under township organization, and the supervisor, assessor, and town clerk of every town appoint. § 5/5-20001.

In incorporated municipalities or townships, the mayor or president appoints. § 5/11-17-3.

In a public health district, in counties under township organization, the supervisor, assessor, and town clerk of that town appoint; if a public health district consists of two or more adjacent towns, the supervisors of the towns, together with the chairman of the county board, appoint. § 5-25012, 70 Ill. Comp. Stat. § 905/11. (See full statutes for full description.)

## Terms of Office

Members serve 3-year terms for county and multi-county boards of health. § 5-25012. Members serve 5-year terms for municipal boards of health. § 11-17-3.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A municipal public health board shall meet and elect officers and adopt bylaws, rules, and regulations for their own governance. They shall also: levy an annual “public health tax”; appoint, provide offices for, and set compensation for a medical health officer as the executive officer of the board; appoint professional and technical personnel; equip and maintain an analytical biological research laboratory; consult with other private and public health agencies in the district to develop the most efficient performance of local health services; and publish an annual report on the condition of the trust. 70 Ill. Comp. Stat. §§ 5/11-17-4, 905/15.

A county/multi-county board of health shall have the same duties as a municipal board, and in addition: prescribe the powers and duties of all officers and employees, fix their compensation, and authorize payment of their expenses; submit an annual budget and report to the county board or boards; and establish and carry out programs/services in mental health (including mental retardation and alcoholism/substance abuse). § 5-25013.

A county board of health may: make and enforce rules and regulations to control disease, including quarantine; appoint physicians as health officers and prescribe their duties; incur the expenses for the performance of the duties/powers of the board; provide gratuitous vaccination and disinfection; and require reports of dangerously communicable diseases. They may also: receive contributions; recommend adoption of ordinances, rules, and regulations; appoint a medical/dental advisory committee and a non-medical advisory committee to the health department; enter contracts with the state, municipalities, or non-official agencies; and set fees for services. §§ 5-20001, 5-20002.

A multi-county board of health may hire attorneys for representation and advice. § 5-25013.

A municipal public health board may: initiate and maintain activities for the promotion of public health, including maternal child health, industrial hygiene, mental health, sanitary housing, and public health education, and shall have the right to inspect and regulate all food and milk products kept or offered for sale within its jurisdiction; prevent contagious diseases; accept gifts or gratuities; lease, acquire, maintain, and improve property, and take title in the name of the board; and appoint employees and fix their compensation. §§ 11-17-4, et seq.

**Additional Notes**

None.

## Indiana

### Relevant Statutes

Ind. Code §§ 16-20-1-1, et seq.; Code §§ 16-20-2-1, et seq.; §§ 16-20-9-1, 16-20-3-6, 4-12-7-2.

### Local BOH Jurisdictions

Indiana statutes provide for district, county, and city/town boards of health. §§ 4-12-7-2, 16-20-2-3. In addition, Marion County may have a "Health and Hospital Corporation" serve as board of health. § 16-22-8-34.

### Board Composition Requirements

Local boards of health are to be composed of seven members, with no more than four from the same political party. The seven members should include at least two licensed physicians, and any two of the following: a registered nurse, pharmacist, dentist, hospital administrator, social worker, attorney with expertise in health matters, school superintendent, veterinarian, professional engineer, or environmental scientist. The remaining members should include either three representatives of the general public, or two representatives of the general public and an additional member from the given list of professions. §§ 16-20-2-4, 16-20-2-5.

### Appointing Authority

The county executive appoints; in some cases, the county executive and city executive of the most populous city in the county appoint. §§ 16-20-2-6, 16-20-2-7.

### Terms of Office

Boards are appointed for 4-year terms. § 16-20-2-10.

### Statutory Role of BOH

A local board of health shall manage every local health department. § 16-20-2-3.

### Powers and Duties

A local board of health shall: elect a chairman at the first meeting each year, appoint a health officer, and manage each local health department. §§ 16-20-2-3, 16-20-2-14, 16-20-2-16.

A local board of health may: enforce orders by actions in the circuit or superior court, adopt procedural rules for the board's guidance, and establish administrative and personnel policies of the local health department consistent with policies of the appointing authority. In Marion County, a Health and Hospital Corporation (as local board of health) has additional powers. §§ 16-20-1-3, 16-20-1-26, 16-22-8-34.

### Additional Notes

Rules and regulations set forth by local boards of health cannot conflict or be less restrictive than those of the State Department of Health. Fees established by local boards of health are subject to public hearing and approval of the city council or board of county commissioners, as appropriate. No fee shall exceed \$500.00. § 35-1-305.

## Iowa

### Relevant Statutes

Iowa Code §§ 137.1, et seq.

### Local BOH Jurisdictions

Iowa statutes provide for district, county, and city boards of health. § 137.2.

### Board Composition Requirements

A county board of health shall be composed of five members, including at least one physician. A district board of health shall have a maximum of 11 members who represent all existing health jurisdictions in the area, and should include at least one, but no more than three, physicians. City board of health composition requirements are not specified in the statute. §§ 137.3, 137.10.

### Appointing Authority

The city council appoints the city board of health § 137.5; the county board of supervisors appoints the county board of health. §§ 137.4, 137.5.

### Terms of Office

Board of health members serve 3-year terms. § 137.4.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A local board of health shall publicize and hold a public hearing on any proposed rule or regulation before approving, and report on its operations and activities to the State Department of Public Health. § 137.6.

A local board of health may: enforce state health laws and the rules and orders of the state department; make and enforce rules and regulations to protect and improve the public health; employ staff for such purposes; and provide personal and environmental health services. It may: operate and contract with colleges, universities, the State Department of Public Health, and other public and private agencies and individuals for public health activities; charge fees for health services; issue licenses and permits; and charge fees for solid waste disposal and for the construction or operation of private water supplies or sewage disposal facilities. In emergencies, a board may request additional appropriations. §§ 137.6, 137.7, 137.19.

### Additional Notes

Local boards have powers and duties to the extent they do not unreasonably interfere with existing patterns of private professional practice of licensed practitioners of the healing arts. § 137.7.

## Kansas

### Relevant Statutes

Kan. Stat. §§ 65-201, et seq.

### Local BOH Jurisdictions

Kansas statutes provide for district, county, city, and joint boards of health. §§ 65-201, 65-205.

### Board Composition Requirements

Joint boards of health shall include at least one physician, one psychiatrist, and one pharmacist. § 65-205. Composition requirements for other board jurisdictions not specified by statute.

### Appointing Authority

The board of county commissioners appoints the county board of health; the governing bodies of all jurisdictions represented appoint members to a joint board of health. §§ 65-201, 65-205.

### Terms of Office

Boards of health serve 4-year terms. § 65-205.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A joint board of health shall: elect a treasurer; provide a report on its activities and a statement of all receipts and expenditures each year to the governing body of each contracting municipality; and isolate and quarantine any diseases. Duties of boards of other jurisdictions not specified in statute. §§ 65-206, 65-207, 64-207, 65-126.

A county board of health may: levy a tax upon all taxable tangible property; contract with any hospital to supply services to a county board of health (for counties with less than 15,000 population); immediately supervise cases involving infectious/contagious diseases, including the power to prohibit public gatherings in such cases; and inquire into all nuisances and causes of sickness that may be a hazard to public health and order property owners or occupants to remove such nuisances, at their own expense, within 24 hours or a reasonable time as the board may order. In addition, a county board of health may contract with the State Board of Regents for the hospital care of obstetrical patients who are public charges when services provided by the institutions where such public charges are inmates are insufficient. §§ 65-203, 65-204, 65-201, 65-119, 65-159.

### Additional Notes

None.

## Kentucky

### Relevant Statutes

Ky. Rev. Stat. §§ 212.020, et seq.

### Local BOH Jurisdictions

Kentucky statutes provide for district, county, city-county, urban-county, and independent boards of health. §§ 212.020, 212.230, 212.350, 212.627, 212.732, 212.780.

### Board Composition Requirements

A district board of health shall be composed of: the judge/executive or designee from each participating county, serving ex officio, and one additional member per county per 15,000 population, which shall include the mayor, city manager, or designee of each second-class city. Each county in a district shall have a maximum of seven members on the district board, and shall include at least one registered nurse, one dentist, one pharmacist, one civil or sanitary engineer, one optometrist, and one veterinarian, when available. The remaining members of the district board shall be concerned community leaders residing in counties they represent. § 212.855.

A county board of health shall be composed of: three physicians; one dentist; one registered nurse; one civil or sanitary engineer; one optometrist; one veterinarian; one pharmacist; and one lay person knowledgeable in consumer affairs, together with the county judge/executive and one person appointed by the fiscal court. All members shall be county residents. Composition requirements for a city-county board of health with a second-class city are largely the same as for county boards. §§ 212.020, 212.640.

A city-county board of health containing a first-class city shall be composed of 10 members, including: the city mayor and the county judge/executive, serving ex officio; four individuals appointed by the mayor; and four appointed by the county judge/executive with the approval of the fiscal court. Appointees shall include: at least one, but no more than three, physicians; one dentist; one pharmacist; and at least one registered nurse. § 212.380.

An urban-county board of health shall be composed of 13 members, including the mayor of the urban-county government and a member of the urban-county legislative body, appointed by the mayor, both serving ex officio. The remaining 11 members are appointed by the mayor, and shall include: three physicians, one dentist, one registered nurse, and six members at large. § 212.632.

An independent district board of health shall be composed of: the judge/executive or designee from each participating county; the chairman from each participating local board of health, all serving ex officio; and the remainder shall be, to the extent practicable, 25% physicians, 10% dentists, 25% registered nurses, 10% veterinarians, 10% pharmacists, and 20% consumers. § 212.786.

### Appointing Authority

For county boards of health, the secretary of the cabinet for health and family services and the fiscal court from the county appoint. For city-county boards, the mayor and the county executive/chief judge appoint. For urban-county boards, the mayor appoints. For independent district boards, the judge/executive appoints, with approval of the local board of health § 212.786. For district boards of health, the county and/or city-county boards of health appoint. §§ 212.020, 212.380, 212.632, 212.855.

### Terms of Office

County, urban-county, district, and independent district board of health members serve two-year terms. City-county board of health members serve 3- or 4-year terms. §§ 212.020, 212.380, 212.632, 212.786, 212.855.

**Statutory Role of BOH**

Not specified in statute.

**Powers and Duties**

All local boards of health shall: appoint a health officer and fix his salary; meet at least quarterly (except county and city-county boards whose counties are part of a district health department, which must meet annually); adopt regulations to protect public health; advise the health officer on all local health department matters; provide information regarding the ombudsman for the cabinet for health and family services; hear and decide appeals of rulings and actions of the local health department or health officer; provide all on-site wastewater systems data to the cabinet for the statewide database; and have a written policy concerning the distribution of nonscheduled legend (prescription) drugs at the health department by an advanced registered nurse practitioner or a registered nurse. §§ 212.230, 212.275.

County, city-county, city-county (second-class city), urban-county, and independent boards of health each have additional enumerated duties. §§ 212.170, 212.210, 212.370, 212.410, 212.230, 212.500, 212.600, 212.625, 212.627, 212.635, 212.670, 212.784.

County boards of health and city-county (second-class city) boards of health may: examine all nuisances and causes of sickness that are injurious to the public health, or any vessel within any harbor or port in any county in the state; order the owner or occupant, at his own expense, to remove a nuisance within 24 hours (or a reasonable time); order that a supply of pure water be furnished, at the expense of the county or city board of education, if the drinking water used by children is found to be dangerous or unhealthy; and institute an action in the circuit court of the county where the building is situated and order a sanitary school to be built. §§ 212.210, 212.670.

District and independent district boards of health, when created, are granted all powers and duties of the county boards of health, except that trusteeship of the county public health tax fund is retained by each respective county board of health. §§ 212.784, 212.920.

City-county and urban-county boards of health may: sue and be sued; make rules and regulations for the public health; acquire land; contract with other entities; expend funds for conducting research work and establishing and maintaining laboratories and other buildings, and for the employment of organizations, scientists, or research experts; charge fees to plant operators for the regulation and inspection of sewage treatment plants; establish fees and sliding fees for hospital services; recover these charges from any person or entity legally liable to the recipient of services for the charges; create administrative divisions as it deems necessary, adopt rules/regulations, and employ agents and employees to carry out its work; accept contributions or endowments; mortgage, pledge, and convey donated property and reinvest the funds in lands or securities; condemn land; and examine and abate nuisances. §§ 212.350; 212.370, et seq.; §§ 212.410, 212.490, 212.590, 212.600, 212.620, 212.627.

**Additional Notes**

None.

## Louisiana

### Relevant Statutes

Louisiana statutes are silent on local boards of health.

## Maine

### Relevant Statutes

Me. Rev. Stat. Tit. 22, §§ 451, et seq.

### Local BOH Jurisdictions

Maine statutes provide for city boards of health. § 453.

### Board Composition Requirements

Local boards of health shall be composed of three members besides the local health officer, including one physician, if available, and one woman. § 453.

### Appointing Authority

The municipality appoints. § 453.

### Terms of Office

Board of health members serve for 3-year terms. § 453.

### Statutory Role of BOH

The local board of health shall constitute an advisory body to the local health officer. § 453.

### Powers and Duties

Not specified in statute.

### Additional Notes

None.

## Maryland

### Relevant Statutes

Md. Code, Health-General §§ 3-201, et seq.

### Local BOH Jurisdictions

Maryland statutes provide for county boards of health. § 3-201.

### Board Composition Requirements

Not specified in statute.

### Appointing Authority

The governing body of a county appoints, or may serve as the county board of health, ex officio. § 3-201.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A board of health shall: meet in May and October each year and at any other time as necessary, coordinate its activities with the department of health, and report to the department of health on the sanitary conditions of the county. § 3-202.

A board of health may: set any fee or charge in connection with its rules and regulations, and adopt and enforce rules and regulations on any nuisance or cause of disease in the county. § 3-202.

### Additional Notes

Baltimore city is expressly exempted from application of these statutes. § 3-202.

**Additional Notes**

For cities, a health department with a commissioner of health may replace the board of health. § 26A.

## Michigan

### Relevant Statutes

MCL §§ 333.2413, et seq.; § 327.301.

### Local BOH Jurisdictions

Michigan statutes provide for district, county, and city-county boards of health. §§ 333.2413, 333.2415.

### Board Composition Requirements

A district board of health is composed of two members from each county board of commissioners. A city-county district board of health is composed of two members from each county board of commissioners and two representatives appointed by the mayor of the city. § 333.2415.

### Appointing Authority

For city-county boards of health, the mayor of the city appoints those not serving ex officio. § 333.2415.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A district board of health shall: appoint a local health officer, approve the budget, and provide the funds of the local health department. §§ 333.2428, 333.2413.

A district board of health may: hear claims against the health department; set, change, or revoke fees for services authorized by or required of the local health department; sell or convey any real estate; and concur or disapprove authorizing the local health department's adoption of regulations. §§ 333.2417, 333.2444, 327.301, 333.2441, 333.2442.

### Additional Notes

None.

# Minnesota

## Relevant Statutes

Minn. Stat. §§ 145A.02, et seq.

## Local BOH Jurisdictions

Minnesota statutes provide for county and city boards of health and community health boards. §§ 145A.09, 145A.02, 145A.03. A board of health must include within its jurisdiction a population of 30,000 or more persons or be composed of three or more contiguous counties to be eligible to form a community health board. §145A.09.3.

## Board Composition Requirements

Local boards of health are composed of at least five members. § 145A.03.

## Appointing Authority

The Minnesota Commissioner of Health may appoint three members to form a temporary local board of health until one is established. No other appointing authority specified in statute. § 156A.06.

## Terms of Office

Not specified in statute.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A local board of health shall: hold meetings at least twice a year and keep a record of its findings, transactions, etc.; work with the commissioner of agriculture to eliminate duplicate licensing and inspection of grocery and convenience stores; enforce laws, regulations, and ordinances pertaining to the powers and duties of a board of health; make investigations and reports and obey instructions on the control of communicable diseases as the commissioner of health may direct; and order the owner or occupant of the property to remove or abate the threat.

A community health board shall have all the duties of other local boards of health. In addition, it shall: establish local public health priorities based on an assessment of community health needs and assets; determine the mechanisms to address these priorities; ensure that community health services are accessible to all persons on the basis of need; appoint, employ, or contract with a medical consultant; notify the commissioner of health every 5 years of the statewide outcomes and local priorities that the board will address; provide the commissioner with annual information necessary to evaluate progress toward selected statewide outcomes and to meet federal reporting requirements; submit an annual report documenting progress toward the achievement of statewide outcomes and local priorities; and consider the income and expenditures required to meet local public health priorities and statewide outcomes in levying taxes. §§ 145A.10, 145A.03, 145A.04.

A local board of health may: appoint employees or consultants; acquire property and equipment; collect fees and accept gifts; enter into contracts for services; enter buildings for inspection; bring an action in court to enjoin a statute or health violation; and authorize a township board, city board, or county board to establish a board of health and delegate duties.

A community health board is granted all powers of other local boards of health, and may also: appoint a community health advisory committee, recommend local ordinances to a county board or city council,

appoint a member to the state community health services advisory committee, and use local public health grant monies to address local public health priorities. §§ 145A.04, 145A.05.

**Additional Notes**

Community health boards serve all of Minnesota's 87 counties and are the primary form of local board of health. A small number of earlier-formed local boards of health still exist. Community health boards possess all powers and duties of these boards of health, plus numerous additional powers and duties. A community health board preempts a local board of health. § 145A.07.

A county board of health may adopt ordinances to regulate actual or potential threats to the public's health, unless the ordinances are preempted by, in conflict with, or less restrictive than, standards in state law or rule. § 145A.05.

Counties, cities, and human services boards may all independently exercise a part of the broad powers given to community health boards to further public health initiatives, and are given the authority to do so under certain conditions. §§ 145A.402, 412.221.

## Mississippi

### Relevant Statutes

Mississippi statutes are silent on local boards of health.

# Missouri

## Relevant Statutes

V.A.M.S. §§ 199.170, 205.042, 205.070, 205.080, 210.080, 322.125, 341.040.

## Local BOH Jurisdictions

Missouri statutes provide for county and city boards of health as well as board of health center trustees. §§ 199.170, 205.042.

## Board Composition Requirements

A "board of health" may be any city or county board of health, or health center board of trustees. It may also be the director/commissioner of health of Kansas City, Springfield-Greene County, St. Louis County, or the City of St. Louis. In the absence of any of these, the county commission or the county board of tuberculosis hospital commissioners of any county may serve. § 199.170.

## Appointing Authority

Not specified in statute.

## Terms of Office

Not specified in statute.

## Statutory Role of BOH

Board of health center trustees carry out the spirit and intent of the law pertaining to establishing and maintaining a county health center. § 205.042.

## Powers and Duties

A local board of health shall approve all county health center building plans/specifications, take action when diseases/health risks are reported to the board, and administer regulations concerning the control of dogs. §§ 210.080, 322.125. A board shall adopt bylaws and regulations for its own guidance and for governing the county health center, and exclusively control the expenditures of all monies in the county health center fund and the purchase of sites or construction of any county health center buildings. A board shall have the supervision, care, and custody of the grounds, rooms, or buildings purchased, constructed, leased, or set apart for that purpose; elect a chairman, a secretary, and a treasurer from among them upon formation; hold meetings at least once a month and keep a record; visit and examine the county health center at least twice each month (at least one trustee); determine annually the rate of the tax levy; and have the chairman of the board of trustees act as one of the three board of examiners for plumbers in the county/city. §§ 205.042, 341.040.

A local board of health may: accept gifts/bequests § 205.070; carry out the statutory provisions of regulating dogs in the county § 322.125; appoint and remove personnel, as necessary, and fix their compensation; and enter into contracts and agreements with federal, state, county, school, and municipal governments and with private individuals, partnerships, firms, associations, and corporations for the furtherance of health activities. § 205.042.

## Additional Notes

None.

## Montana

### Relevant Statutes

Mont. Code §§ 50-2-101, et seq.

### Local BOH Jurisdictions

Montana statutes provide for district, county, city, and city-county boards of health. §§ 50-2-104, et seq.

### Board Composition Requirements

City boards of health are composed of five members. County and city-county boards of health are composed of a minimum of five members. §§ 50-2-104, et seq.

### Appointing Authority

For county boards of health, the county commissioners appoint, or serve as the board of health, ex officio. For city boards of health, the governing body of the city appoints. For joint city-county and district boards of health, the governing body of the city and the county commissioners appoint. §§ 50-2-104, et seq.

### Terms of Office

Board of health members serve 3-year terms. §§ 50-2-104, et seq.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A local board of health shall: elect officers, employ qualified staff, adopt bylaws, hold regular meetings at least quarterly and special meetings as necessary, and appoint and fix the salary of a local health officer. A board shall identify, assess, prevent, and ameliorate conditions of public health importance through: epidemiological tracking and investigation; screening and testing; isolation and quarantine measures; diagnosis, treatment, and case management; abatement of public health nuisances; inspections; collecting and maintaining health information; education and training of health professionals; and other public health measures as allowed by law.

A board of health shall: protect the public from communicable disease or other conditions of health importance, including the removal of contaminants that affect public health; supervise or make inspections for conditions of public health importance, and issue written orders for compliance; pursue actions and issue orders necessary to discourage or prosecute violation of public health laws, rules, and local regulations; identify the local health officer or highest ranking public health professional employed by the jurisdiction as a liaison to the department of health and human services; and adopt necessary regulations for the control and disposal of sewage. § 50-2-116.

Local boards of health may: accept and spend funds; adopt necessary fees to administer regulations for the control and disposal of sewage; adopt regulations that do not conflict with rules adopted by the department of health and human services; and provide, implement, facilitate, or encourage other public health services and functions as considered reasonable and necessary. § 50-2-116.

### Additional Notes

A local board of health standard or requirement may be more stringent than that of the department of health and human services if it protects or mitigates harm to the public health or the environment, and is achievable under current technology. § 50-2-130.

# Nebraska

## Relevant Statutes

Neb. Rev. Stat. § 71-501; §§ 71-1601, et seq.

## Local BOH Jurisdictions

Nebraska statutes provide for district, county, health district, and city-county boards of health. §§ 71-1607, 71-1628, 71-1630.

## Board Composition Requirements

A county board of health is composed of one member of the county board\*, one dentist, one physician, and six individuals interested in the health of the community. A county board of health that has not joined with a local public health department shall be composed of three members: the sheriff, a physician, and the county clerk.

A district board of health is composed of one member of each county board\* in the district, at least one physician, at least one dentist, and one or more individuals from each county in the district who are interested in the health of the community.

A city-county board of health is composed of one representative of the county board\*; one representative from the city council; one physician; one dentist; and five individuals not employed in the health industry or health professions, who are interested in the health of the community. §§ 71-1630, 71-501.

## Appointing Authority

For county and district boards of health, the county commissioners appoint. For county boards of health not joined with a local health department, county commissioners appoint the physician member. For city-county boards of health, the city council and the county commissioners appoint. For health district boards of health, members are elected; election process is not specified in statute. §§ 71-1630, 71-501, 71-1607.

## Terms of Office

Board of health members serve 3-year terms except health district board of health members serve 6-year terms. §§ 71-1630, 71-1607.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A local board of health shall: elect officers annually; hold quarterly and special meetings; assess community health status and resources for health matters; collect and analyze relevant data and annually report and make recommendations to the mayor, city council, and county board\*; develop policy to support and improve public health, including appointing, subject to approval, advisory committees to the board of health to facilitate community development and coalition building; adopt and approve official health department policies; ensure that needed services are available through public or private sources in the community; advise and recommend changes to ordinances, resolutions, and resource allocations related to health matters; annually review and recommend changes in the proposed budget for resource allocations related to the health department; and monitor enforcement of laws and regulations related to public health in the community. A local board of health shall select the health director of the department and provide suitable

\* "County board" refers to the governing body of the county, and should not be confused with "County Board of Health."

facilities and equipment for the health director and assistants and their pay and travel expenses in the performance of their duties. A local board of health shall publish an annual report showing how money has been donated and used and its current financial standing; enact and enforce rules and regulations, subject to public hearing, for the public health; make necessary sanitary and health investigations and inspections and adopt appropriate measures; distribute free, as needed, vaccines, drugs, and other preparations; advise all city, village, and school authorities on sanitation and public health; set compensation of all employees, including the health director; set fees for services; and implement and enforce an air pollution control program. §§ 71-1630, 71-1631.

A health district board of health shall: arrange a permanent meeting place and meet regularly at least once each month; elect officers annually; propose a budget for the health departments and levy taxes; exercise authority concerning public health and care and treatment of the indigent sick; and hold title and manage property for public health purposes. §§ 71-1609, 71-1611, 71-1612.

A county board of health may: contract and spend funds available for public health; establish and maintain a single full-time local health department; cooperate with any city in the establishment and maintenance of a city-county health department; and levy an annual tax to pay for expenses. §§ 71-1628, 71-1629, 71-1629.01.

**Additional Notes**

None.

# Nevada

## Relevant Statutes

Nev. Rev. Stat. §§ 439.280, et seq.

## Local BOH Jurisdictions

Nevada statutes provide for district, county, and city boards of health. §§ 439.362, 439.370, 439.420, 439.280.

## Board Composition Requirements

A city board of health is composed of three members, at least one of whom may have expertise in sanitary science, public health practice, and the diagnosis of infectious diseases. § 439.430.

A county board of health is composed of the board of county commissioners, the sheriff, and the county health officer. § 439.280.

A district board of health serving a population over 400,000 is composed of two representatives of the board of county commissioners; two representatives of the governing body of the largest incorporated city in the county; one representative of the governing body of each other city in the county; one representative with expertise in environmental health; one nurse; one representative of a business or from an industry subject to regulation by the health district; and two physicians, one of whom has expertise in the provision of health care services to medically underserved populations. § 439.362.

A district board of health serving a population under 400,000 is composed of two members from each county, city, or town in the district, and one physician. § 439.390.

## Appointing Authority

For city boards of health, the governing body of the city appoints. § 439.430.

For district boards of health serving populations over 400,000, the governing bodies of the district and the board of supervisors appoint. § 439.362.

For district boards of health serving populations under 400,000, the governing body of the district appoints, and the physician member is chosen by the other appointed members. § 439.390.

For county boards of health, all members serve ex officio. § 439.280.

## Terms of Office

District board of health members with over 400,000 people serve 2-year terms. § 439.362.

County board of health county health officer-members serve 2-year terms. § 439.290.

City and district (under 400,000) board of health member's terms of office are not specified in statute.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

City and county boards of health shall oversee all sanitary conditions of the jurisdiction, adopt regulations for the prevention and control of infectious disease, and file a copy of all adopted regulations with the city/county clerk.

A district board of health shall have the same duties as a county or city board of health, and additionally: give 30 days notice of its intent to adopt, amend, or repeal a regulation; file a copy of all adopted regulations

with the county clerk; and appoint a district health officer for the health district. §§ 439.460, 439.366, 439.368, 439.410, 439.350.

City, county, and district boards of health may: abate nuisances; establish a temporary isolation hospital or quarantine station when an emergency demands such; restrain, quarantine, and disinfect any person(s) sick with, or exposed to, any disease which is dangerous to public health; appoint quarantine officers when necessary to enforce a quarantine; and set fees for issuing or renewing any health permit or license.

District boards of health may choose where and when to meet, and adopt regulations. District boards of health serving populations over 400,000 may receive and disburse federal funds, submit project applications to federal agencies, enter into formal agreements with federal agencies concerning projects and programs, and accept and disburse contributions from any entity. §§ 439.360, 439.470, 439.410, 439.364, 439.366, 439.367.

**Additional Notes**

In the case of creation of a district board of health serving a population under 400,000, all county and city boards of health in the jurisdiction are abolished. § 439.380.

The county board of health shall be subject to the supervision of the health division. § 439.340.

## New Hampshire

### Relevant Statutes

N.H. Rev. Stat §§ 127:1, et seq.

### Local BOH Jurisdictions

New Hampshire statutes provide for town and district boards of health. §§ 128:3, 127:1.

### Board Composition Requirements

A town board of health shall be composed of the town health officer and the town selectmen. §128:3.

A district board of health shall be composed of two persons from each town and city in the district, plus one additional representative for each town or city with a population over 5,000, and one representative for every additional 5,000 population after that. § 127:2.

### Appointing Authority

For town boards of health, all members serve ex officio. §128:3. For district boards of health, the town selectmen and city councils appoint. § 127:2.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

No town board of health powers or duties specified in statute.

A district board of health shall: annually elect officers; determine the relative amount of service to be performed in each town or city within the district by board employees; furnish the necessary offices and equipment to carry out its duties; determine the budget for the district health department; and appoint a health officer. §§ 127:3, et seq.

### Additional Notes

None.

## New Jersey

### Relevant Statutes

N.J. Stat. §§ 26:1-1; 26:3-1, et seq.

### Local BOH Jurisdictions

New Jersey statutes provide for district, county, city, and health district boards of health. §§ 26:3-69.1, 26:1-1.

### Board Composition Requirements

A municipal board of health is composed of five to seven members, except that in a city of the first class (determined by population) the board consists of ten members. In a city of population over 80,000, but not of the first class, the board consists of five to ten members, and may include a non-resident physician and/or school nurse. § 26:3-3.

A township board of health serving a population up to 20,000 inhabitants is composed of the members of the township committee and the township assessor or, if the township has a board of assessors, the township clerk, and one physician or school nurse. § 26:3-9.

A township board of health serving a population over 20,000 is composed of five to seven members, and may include a non-resident physician and/or school nurse. § 26:3-10.

### Appointing Authority

For municipalities other than townships, the governing body of the municipality appoints, or appointments are made by ordinance. In a city of the first class, the board is appointed by the governing body and confirmed by the body in charge of finances. § 26:3-5.

In townships up to 20,000, the township committee appoints. §26:3-9. In townships over 20,000, the township committee or the governing body may establish the appointment process, or may appoint by a preexisting ordinance. §26:3-10.

For county and district boards of health, appointing authority not specified in statute.

### Terms of Office

Board members in municipalities serve for 4 years, unless they are of the first class, then they serve for 3-year terms.

In townships not over 20,000 people, members of a board of health serve for 3-year terms. In townships over 20,000 people, board members serve up to 4-year terms. §§ 26:3-3, 26:3-6, 26:3-9, 26:3-10.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A local board of health shall: appoint the time and place for the regular meeting of the board for the hearing of complaints, reports, and general business, and publish notice of that schedule to the public; file annual reports with the State Commissioner of Health; appropriate funds; and examine into, and prohibit any, nuisance. §§ 26:3-12, 26:3-35.

A board of health for a first-class city also shall: establish dispensaries for the free distribution of medicines among the poor, and procure suitable quarters where medicines and medical attendance can be given to the poor of the city; appoint necessary officers or employees and set their compensation and terms of office; and

provide medicines/medical attendance, and supervise and direct the affairs of those dispensaries. §§ 26:3-38, 26:3-46.

A district, county, or city board of health may: adopt rules for its government and that of its officers and employees; employ personnel and/or a health officer; and pass and amend ordinances and make rules and regulations for certain aspects of public health. Each of these boards of health may enact, amend, or supplement ordinances affecting all aspects of building plumbing; delegate any of its powers to any member of the board or any officer; recover through a civil action the expenses incurred in the removal and abatement from any person who caused or allowed the nuisance; and pass and amend ordinances and make rules and regulations to declare and define what constitutes a nuisance. §§ 26:3-2, 26:3-31, 26:3-33, 26:3-34, 26:3-45, 26:4-54.

**Additional Notes**

None.

## New Mexico

### Relevant Statutes

New Mexico statutes are silent on local boards of health.

## New York

### Relevant Statutes

N.Y. Pub. Health Law §§ 2, 301, 302, 308, 343, 345, 356, 357, 360, 368, 390, 393, 394, 395, 398, 1309.

### Local BOH Jurisdictions

New York statutes provide for county, part-county, city, health district, multi-city, health service advisory, and general advisory boards of health. §§ 2(1)(h), 343, 390, 360, 357.

### Board Composition Requirements

City boards of health for cities under 50,000 are composed of the mayor of the city, and six other persons, including one physician. § 301.

Village boards of health are composed of the board of trustees of the village, ex officio. § 302.

Town boards of health are composed of the town board, ex officio.

General advisory boards are composed of five physicians.

County and part-county boards of health are composed of seven members, including one member of the board of supervisors and at least three licensed physicians. In addition, each city which becomes a part of the county or part-county health district is entitled to one additional representative on the board of health. § 343.

Boards of health of county and part-county boards of health of population under 175,000 may designate the legislative body to constitute the county board of health, ex officio. § 356.

Consolidated health district boards of health are composed of the supervisor of each town, the president of the board of trustees of each village, and the mayor and supervisors of each city included in each district. If these members total an even number less than seven, these members shall choose one additional member, to be known as the elective member. If the required members total more than seven, these members shall meet and elect a board of health of three members for the consolidated health district. § 391.

Health services advisory boards are composed of nine members, including two physicians, and the rest selected for their interest and knowledge regarding the health needs, resources, and facilities of the community. §§ 356, 357.

### Appointing Authority

For boards of health in cities under 50,000, the mayor appoints. § 301.

For boards of health in towns, the town board serves as the board of health.

For boards of health in villages, the village board of trustees serves as the board of health. § 302.

For boards of health in a county or part-county, for members not serving ex officio, the board of supervisors appoints. Counties and part-counties under 175,000 may choose the county legislative body to serve as the board ex officio. § 390.

For advisory boards of health, the mayor appoints.

For consolidated health district boards of health, the governing bodies of both the cities or towns appoint.

For health services advisory boards, the governing bodies of the county appoint. §§ 343, 356, 357, 368.

### Terms of Office

County/part-county board of health members serve 6-year terms; the county supervisor serves the length of his/her term of office. § 393.

In cities under 50,000, board of health members serve 3-year terms. § 301.

Consolidated health district boards of health serve 1- to 3-year terms.

Health services advisory boards serve 4-year terms. §§ 357, 344.

### **Statutory Role of BOH**

Not specified in statute.

### **Powers and Duties**

City/town/village/county/part-county/consolidated health district boards of health shall: call meetings; prescribe the duties and powers and direct the local health officer in the performance of his duties; and set the compensation of the local health officer. They shall publish orders and regulations, filing a copy of the orders and regulations with the county health commissioner or the state district health officer. They shall make the orders and regulations for the suppression of nuisances and other matters detrimental to the public health, and serve notice to the owner or occupant of any premises where the nuisances or other matters may exist; and maintain court actions to restrain violations by injunction, or otherwise enforce such orders and regulations. §§ 307, 308.

Consolidated health district boards of health also shall appoint a local health officer. §§ 394, 395.

Health services advisory boards shall advise the county health director with respect to the discharge of his powers, responsibilities, and duties. §§ 357, 345.

City/town/village/consolidated health district/county/part-county boards of health may: issue subpoenas; compel the attendance and testimony of witnesses; administer oaths to witnesses; issue warrants to any peace officer, sheriff, or police officer of the municipality or county to apprehend and remove a person; prescribe and impose penalties for failure to comply with any of its orders or regulations; be sued in any court of competent jurisdiction; and may appoint one or more hearing officers. § 395.

County/part-county boards of health also may: enter into contracts with one or more counties for mutual aid in the delivery of health services, including, but not limited to, public health emergency responses. §§ 347, 309, 345.

### **Additional Notes**

The provisions of this article (except § 310) shall not apply to the city of New York\*. § 312.

\* § 310 reads, "The commissioner may annul or modify an order, regulation, by-law or ordinance of a local board of health concerning a matter which in his judgment affects the public health beyond the territory over which such local board of health has jurisdiction."



## North Carolina

### Relevant Statutes

N.C.G.S. §§ 130A-35, et seq.

### Local BOH Jurisdictions

North Carolina statutes provide for district and county boards of health. §§ 130A-35, 130A-37.

### Board Composition Requirements

County boards of health are composed of 11 county residents, including: one physician, one dentist, one optometrist, one veterinarian, one registered nurse, one pharmacist, one county commissioner, one professional engineer, and three representatives of the general public. If any of the professionals (listed above) are not available, one additional representative of the general public is appointed.

District boards of health are composed of at least 15, and up to 18 members, by agreement of the commissioners of all counties in the district. The required list of members is the same as for county boards of health. §§ 130A-35, 130A-37.

### Appointing Authority

County board(s) of commissioners appoint. §§ 130A-35, 130A-37.

### Terms of Office

Board of health members serve 3-year terms. §§ 130A-35, 130A-37.

### Statutory Role of BOH

Boards of health are the policy-making, rule-making, and adjudicatory bodies for their respective county and district health department. § 130A-37.

### Powers and Duties

County and district boards of health shall: protect and promote the public health; adopt rules necessary for that purpose; provide notice of any proposed board of health rule; file copies of all rules with the secretary of the board of health; appoint a local health director; and meet at least quarterly. §§ 130A-37, 130A-39, 130A-40.

County boards of health may: adopt a more stringent rule in an area regulated by the commission for health services or the environmental management commission, and adopt any standard, rule, or regulation which has been adopted by any state or federal agency or generally recognized association; and set fees for select services by a local health department.

District boards of health may: provide liability insurance for board members and district health department employees, and contract for an attorney to represent them as well as the board itself. §§ 130A-37, 130A-39.

### Additional Notes

None.

## North Dakota

### Relevant Statutes

NDCC, §§ 23-35-01, et seq.

### Local BOH Jurisdictions

North Dakota statutes provide for district, county, city, and city-county boards of health. §§ 23-35-01, 23-35-03.

### Board Composition Requirements

All boards of health are composed of at least five members. Additional representation requirements depend on the population of the jurisdiction. § 23-35-03.

### Appointing Authority

All boards of health are either appointed by the governing body of their respective jurisdiction or become the board of health by virtue of their office (ex officio) in the governing body of the jurisdiction. § 23-35-03.

### Terms of Office

All board of health members serve 5-year terms. § 23-35-03.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

All boards of health shall: meet at least quarterly; elect officers; keep records and make reports required by the department of health; submit a public health unit budget; audit/allow/certify for payment of expenses incurred by the board; appoint a local health officer; designate a location and provide necessary furnishings and equipment for the health officer's office; set the salary of, and pay for necessary travel by, the local health officer and any public health unit personnel; and serve notice on the owner/occupant of a property requiring removal or abatement of a nuisance to do so at their own expense. §§ 23-35-03, 23-35-08, 23-35-09.

All boards of health are given broad powers. Notably, a local board of health may: accept and receive contributions; make rules regarding nuisance, and causes of sickness; establish fees for services rendered; make rules in a health district or county public health department public health and safety; adopt sanitary measures; make and enforce an order in a local matter if an emergency exists; inquire into and abate any nuisance; search or seize material located on private property to ascertain whether its condition relates to public health and safety, and subject to a warrant (except in emergencies); supervise any matter relating to preservation of life and health of individuals; employ any person; appoint an executive director; and contract with any person to provide the services necessary to carry out the purposes of the board of health. In addition, a district board of health may acquire and dispose of property. §§ 23-35-08, 23-35-010.

### Additional Notes

None.

# Ohio

## Relevant Statutes

Ohio Rev. Code §§ 3707.01, et seq.; §§ 3709.01, et seq.

## Local BOH Jurisdictions

Ohio statutes provide for district, county, city, city-county, and city-city boards of health. They are referred to as “Combined Health District Boards” on the district level, and “General Health District Boards” on the county level. §§ 3709.02, 3709.05, 3709.051, 3709.052, 3709.07, 3709.071.

## Board Composition Requirements

City and county boards are composed of five members. The composition of district boards of health is contractually determined. Both district and county boards require one physician member. All boards of health must have a district licensing council member. §§ 3709.02, 3709.03, 3709.05, 3709.052, 3709.07, 3709.071, 3709.08, 3709.081.

## Appointing Authority

For city boards of health, the mayor and the health district licensing council appoint, subject to confirmation by the legislative authority of the county.

For county boards of health, the district advisory council and health district licensing council appoint.

For district boards of health, appointments are determined by contract, by the chief executives of the cities, by the governing bodies, and by the health district licensing council. §§ 3709.05, 3709.03, 3709.052, 3709.07, 3709.071, 3709.08, 3709.081.

## Terms of Office

City and county board of health members serve 5-year terms. District board of health terms are determined by the chief executives’ contract. §§ 3709.05, 3709.02, 3709.052, 3709.07, 3709.071, 3709.08, 3709.081.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A board of health shall: appoint a health commissioner; determine duties and set salaries of its employees; keep record of board proceedings together with a record of diseases reported to the health commissioner; study and record the prevalence of disease within its district and provide for the prompt diagnosis and control of communicable diseases; provide for the free distribution of antitoxin for the treatment of cases of diphtheria and establish sufficient distributing stations in all parts of the district; annually adopt an itemized appropriation measure; and abate and remove all nuisances. In addition, a board of health shall appoint all employees or others necessary to the use and maintenance of hospitals, and regulate the entrance of patients and their care. §§ 3709.11, 3709.14, 3709.12, 3709.16, 3709.19, 3709.22, 3709.25, 3709.28, 3709.36, 3707.01, 3707.30.

A board of health has broad powers. Notably, a board of health may: appoint medical staff and others for sanitary duty; and provide residential nursing care and other therapeutic and supportive care services, or contract for these services. A board of health may pay all or any part of the cost of insurance for the health commissioner, health district employees, and their dependents; and procure liability insurance for board members and employees. A board may provide infant welfare stations and other measures for the protection of children; make orders and regulations; appoint a referee or examiner to conduct their

hearings; provide for laboratory work; provide for free treatment of cases of specific diseases; and buy, sell, or lease property. §§ 3709.14, 3709.15, 3709.16, 3709.161, 3709.18, 3709.20, 3709.21, 3709.22, 3709.23, 3709.24, 3709.281, 3709.282, 3707.01, 3707.04, 3707.12, 3707.27, 3707.38, 3707.55.

**Additional Notes**

None.

# Oklahoma

## Relevant Statutes

63 Okl. St. §§ 1-201, et seq.

## Local BOH Jurisdictions

Oklahoma statutes provide for district, county, city, and city-county boards of health. §§ 1-201, 1-205, 1-209, 1-210.

## Board Composition Requirements

County boards of health are composed of five members, including one member who may be a county commissioner, one who holds a school administrator's certificate issued by the State Board of Education, and one physician, if available; otherwise, a dentist, optometrist, or registered nurse. § 1-201.

City boards of health are composed of the governing body of the city, ex officio. § 1-209.

City-county boards of health are composed of nine members. § 1-210.

## Appointing Authority

For county boards of health, the State Commissioner of Health, board of county commissioners, and a district court judge appoint. § 1-201.

For city-county boards of health, both the board of county commissioners and the city council appoint. § 1-210.

For city boards of health, the governing body of the city serves ex officio. § 1-209.

## Terms of Office

Generally, board of health members serve 4-year terms; however, city-county board of health members serve 6-year terms. §§ 1-201, 1-210.

## Statutory Role of BOH

Not specified in statute.

## Powers and Duties

A county board of health shall: elect officers; establish and maintain a county department of health; and enter agreements with other county boards of health, and with the governing boards of cities, towns, and school districts lying wholly or partly in the county, to establish and operate district or cooperative health departments. County boards of health shall annually submit to the county excise board an estimated budget for operating expenses of the county department of health and the board itself; advise the State Commissioner of Health on matters of public health in the county; and adopt regulations, subject to the approval of the State Commissioner of Health, to protect public health in the county in emergencies.

A city-county board of health shall: elect officers and recommend ordinances, rules, and regulations to the governing body of cities and towns in its jurisdiction, and to the board of county commissioners of the county. A city-county board of health shall have all the powers, rights, and duties of city and county boards of health, except rulemaking authority; and shall submit an annual budget for the city-county health department, together with recommendations, to the board of county commissioners and to each jurisdiction participating in the city-county health department. §§ 1-202, 1-211, 1-212, 1-218.

A county board of health may establish and maintain a county department of health.

A city board of health may adopt and enforce ordinances and rules for the protection of public health and the environment.

A city-county board of health may enter into agreements with other counties, cities, towns, school districts, and any state agency or institution, or non-profit organization, for the operation of the health department and health or environmental services by the city-county health department. A city-county board may specify how the health department is to be funded. §§ 1-205, 1-209, 1-216.

**Additional Notes**

None.

## Oregon

### Relevant Statutes

ORS §§ 431.400, et seq.

### Local BOH Jurisdictions

Oregon statutes provide for district, county, and public health advisory boards of health. §§ 431.410, 431.412, 431.414.

### Board Composition Requirements

County boards of health are composed of one member of the county governing body, one member of a common school district board having jurisdiction over the entire county or of the education, one licensed physician, one licensed dentist, and three other members. District boards of health are similar in composition, with the additional requirement of one person who is a resident of the district, not appointed by the county board of health. The district board of health must also include one member from the administrative staff of a city within the district, and two physicians instead of one. Public health advisory boards (on county and district level) are composed of people licensed as health care practitioners and well informed in public health. §§ 431.412, 431.414.

### Appointing Authority

For county boards of health, governing bodies of counties may choose to serve by virtue of their office, or they may appoint members in cooperation with the education service district board. In this case, a board is created, subject to majority vote in the county. District boards of health are created the same way, subject to the stricter 2/3 majority vote in counties. Public health advisory boards (for county and district levels) are appointed by the governing body/bodies of their jurisdiction(s); members must be licensed health care practitioners and well informed on public health matters. §§ 431.410, 431.412, 431.414.

### Terms of Office

Board of health members serve for 4 years. §§ 431.412, 431.414.

### Statutory Role of BOH

The general role of a board of health is to encourage improvement and standardization of health departments in order to provide more effective and efficient public health service throughout the state. District and county boards of health are the policy making bodies of their jurisdictions regarding the duties of local departments of health. §§ 431.405, 431.415, 431.416.

### Powers and Duties

The district/county board of health shall: Adopt rules necessary to carry out its policies under the mandate of this statute for boards of health; appoint a qualified public health administrator to supervise the activities of the district; administer and enforce the rules of the local public health authority and public health laws and rules of the Department of Human Services; and assure activities necessary for the preservation of health or prevention of disease. §§ 431.415, 431.416, 431.418.

The district or county board of health has the power to adopt schedules of fees for public health services. § 431.415.

### Additional Notes

The county or district board of health shall adopt no rule or policy which is inconsistent with, or less strict than, any public health law or rule of the Department of Human Services. § 431.415.

## Pennsylvania

### Relevant Statutes

53 P.S. §§ 24561 to 25691; 521.1, et. seq.; §§ 68000, et seq.; § 1-301.

### Local BOH Jurisdictions

Pennsylvania statutes provide for city and town boards of health. §§ 24561 to 25691; 521.1, et. seq.; §§ 68000, et seq.; § 1-301.

### Board Composition Requirements

City and town boards of health for second-class townships (determined by population) are composed of five members, including one who is a licensed physician. § 68002. No additional composition requirements specified in statute.

### Appointing Authority

For a board of health for a second-class township, the board of supervisors appoints. § 68001. No additional descriptions of appointment processes specified in statute.

### Terms of Office

Members of a second-class township board of health serve 5-year terms. § 68002. No additional terms of office specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A board of health for a second-class township shall: elect officers; appoint a health officer and inspectors; enforce the health and sanitation laws and regulations of the state and the township; and give a written order to the occupants or owners when the board of health, health officer, or inspectors determine that a health or sanitation hazard or violation exists. §§ 68003, 68006, 68008.

A board of health for a second-class township may: enter any premises where there is a reasonably suspected health hazard or violation of regulations that may give rise to a health hazard, request assistance from select state agencies, and abate nuisances.

A board of health of a city, borough, incorporated town, or township of the first class (determined by population) may: control communicable and non-communicable disease within its jurisdiction, enact ordinances, or issue rules and regulations relating to disease prevention and control. §§ 68006; 68010; 24561 to 24691; 521.1, et seq.

### Additional Notes

None.

## Rhode Island

### Relevant Statutes

Rhode Island statutes are silent on local boards of health.

## South Carolina

### Relevant Statutes

S.C. Code §§ 44-3-10, 44-3-120, 44-1-130, 44-3-140.

### Local BOH Jurisdictions

South Carolina statutes provide for city/town and district advisory boards of health, as well as a Catawba Health District Advisory Council. §§ 44-3-10, 44-3-120, 44-1-130.

### Board Composition Requirements

The city board of health is determined by the governing body of the city. § 44-3-10.

The Catawba Health District Advisory Council is composed of 16 members, selected based on the population and community needs of the special Catawba district. § 44-3-130.

District advisory boards are composed of representatives from each county of the district, with the number determined by the State Department of Health. § 44-3-10.

### Appointing Authority

For city boards of health, the governing body of the city has the option to appoint or elect. § 44-3-10.

The Catawba Health District Advisory Council is appointed by the governor. § 44-1-130.

District advisory boards of health are composed of existing members of city boards of health from each county in the district. For counties without local boards of health, the county legislative authority appoints representatives to district advisory boards of health. § 44-3-120.

### Terms of Office

City boards of health members serve terms determined by the governing body in the city. Catawba Health District Advisory Council members serve 4-year terms. §§ 44-3-120, 44-3-10.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

District advisory boards shall: Advise the district medical director in all matters of sanitary interest and scientific importance bearing upon public health, and elect a chairman annually.

City boards of health shall make reports to the State Department of Health. §§ 44-3-10, 44-1-130, 44-3-140.

Powers and additional duties of any board of health are determined by the city(ies) within its jurisdiction. § 44-3-10.

### Additional Notes

The State Department of Health and Environmental Control always preempts local board of health regulation or enforcement in South Carolina should a conflict exist between local regulation and state supervision/statute. § 44-3-10.\*

\* Two cases pending before the South Carolina Supreme Court are likely to resolve the question of whether local government authority to enact smoke-free laws is preempted by state law. In each of these cases, *The Foothills Brewing Concern, Inc., et al. v. City of Greenville*, and *Beachfront Entertainment, Inc. v. Town of Sullivan's Island*, the challengers have asserted that local government authority to pass such laws has been expressly preempted by language in South Carolina's law restricting sales or distribution of tobacco products to minors and/or impliedly preempted by the state's Clean Indoor Air Act. The cases are scheduled to be argued in 2008.

## South Dakota

### Relevant Statutes

S.D. Codified Laws §§ 34-3-3, et seq.; §§ 34-16-5, et seq.

### Local BOH Jurisdictions

South Dakota statutes provide for district, county, and city-county boards of health. §§ 34-3-3, 34-3-5, 34-3-11, 34-16-22.

### Board Composition Requirements

A county board of health is composed of seven members, including one county commissioner, one practicing physician, and five members selected from the electors of the county. A county board of health may also include the state's attorney of the county, a physician, physician assistant, or nurse practitioner who practices in the county, and other county residents. District boards of health are composed of five members, including one physician practicing in the district. §§ 34-3-3, 34-3-13, 34-16-22.

### Appointing Authority

The county commissioners typically appoint the county board of health although sometimes the department of health will also appoint members. In a city-county board of health, the mayor joins the existing county board of health by virtue of his office. For a district board of health, the governing board of a county elects an appointing committee, formed by representatives of each governing board of each participating county and first- or second-class municipality. Counties and municipalities, which become a part of that district after its initial formation, have a representative on the appointing committee, selected in the same manner. That committee then appoints a district board of health. §§ 34-3-3, 34-3-5, 34-3-13, 34-16-22.

### Terms of Office

District board of health members serve 5-year terms. For county boards of health, physician members serve for 4 years, electors of the county serve for 5 years, and county commissioners serve 1-year terms. §§ 34-3-3, 34-16-22.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A district or county board of health shall: elect officers; meet at least semiannually; employ a full-time health officer; estimate the health department budget for the ensuing fiscal year; and hold a public hearing on the budget request. §§ 34-3-4; 34-3-15, et seq.; §§ 34-3-23, 34-3-24.

A district board of health also shall: provide the office and location for the district health department and furnish it with the necessary equipment, supplies, and personnel, and apportion the cost of operating and maintaining the department.

A county board of health may: enter any place where a source or cause of preventable disease exists or is reasonably suspected, and remove any substance that may endanger the health of persons or domestic animals. §§ 34-16-5, 34-16-25.

### Additional Notes

None.

## Tennessee

### Relevant Statutes

Tenn. Code §§ 68-2-601, 68-2-702.

### Local BOH Jurisdictions

Tennessee statutes provide for district (referred to as "joint district board of health") and county boards of health. §§ 68-2-601, 68-2-702.

### Board Composition Requirements

A county board of health is composed of the county mayor, the director of schools or designee, two physicians, one dentist, one pharmacist, one registered nurse, and the county health director. The county legislative body may elect a veterinarian and a citizen representative as additional members.

A joint district board of health is composed of the county mayor, the county director of schools, and one physician. In counties operating under a county council or commission form of government, the chair of the county council or commission also serves as a member. §§ 68-2-601, 68-2-702.

### Appointing Authority

The county legislative body appoints. § 68-2-601.

### Terms of Office

Board of health members serve 4-year terms. § 68-2-601.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

County and joint district boards of health shall: govern the policies of full-time county health departments; enforce rules and regulations prescribed by the commissioner, through the county health director and/or the county health officer; adopt rules and regulations to protect the general health; and submit an annual budget to the county legislative body. § 68-2-601.

No enumerated powers are specified in statute.

### Additional Notes

The regulations of a board of health shall be at least as stringent as the standard established by a state law or regulation as applicable to the same or similar subject matter. § 68-2-601.

# Texas

## Relevant Statutes

Tex. Health & Safety Code §§ 121.0065, 121.034, 121.046.

## Local BOH Jurisdictions

Texas statutes provide for county, city, and administrative/advisory (or public health board) boards of health. §§ 121.0065, 121.034, 121.046.

## Board Composition Requirements

Not specified in statute.

## Appointing Authority

The governing body of the municipality, the commissioner's court of the county, or the members of a public health district may appoint the members of a board of health. The governing body of the municipality or the commissioners court of a county may opt to serve as the board. § 121.0065.

## Terms of Office

Not specified in statute.

## Statutory Role of BOH

County and city boards of health monitor the use of funds received under the "Grants for Essential Public Health Services" statute.\* § 121.0065.

Advisory/public health boards advise the member of the district (which may include any governmental entity including a school district) and district director on matters of public health. § 121.046.

## Powers and Duties

Public health boards may adopt substantive and procedural rules for the health and safety of the public, so long as they don't conflict with a municipal ordinance or other local or state laws, and perform any function that is required under the cooperative agreement of the public health district. No other powers or duties are specified in the statute. § 121.046.

## Additional Notes

None.

\* (1) "Essential public health services" means services to:

- (A) monitor the health status of individuals in the community to identify community health problems
- (B) diagnose and investigate community health problems and community health hazards
- (C) inform, educate, and empower the community with respect to health issues
- (D) mobilize community partnerships in identifying and solving community health problems
- (E) develop policies and plans that support individual and community efforts to improve health
- (F) enforce laws and rules that protect the public health and ensure safety in accordance with those laws and rules
- (G) link individuals who have a need for community and personal health services to appropriate community and private providers
- (H) ensure a competent workforce for the provision of essential public health services
- (I) research new insights and innovative solutions to community health problems
- (J) evaluate the effectiveness, accessibility, and quality of personal and population-based health services in a community

§ 121.002.

## Utah

### Relevant Statutes

Utah Code Ann. §§ 26A-1-109, et seq.; § 10-7-3.

### Local BOH Jurisdictions

Utah statutes provide for county boards of health. § 26A-1-109.

### Board Composition Requirements

County boards of health are required to have at least three members. A majority of the members may not: (1) be primarily engaged in providing health care to individuals or in the administration of facilities or institutions in which health care is provided, (2) hold a fiduciary position or have a fiduciary interest in any entity involved in the provision of health care, (3) receive either directly or through a spouse more than 1/10 of the member's gross income from any entity or activity relating to health care, and (4) be members of one type of business or profession. § 26A-1-109.

### Appointing Authority

County boards of health are appointed pursuant to county ordinance or interlocal agreement by the counties creating the local health department. § 26A-1-109.

### Terms of Office

County boards of health are appointed for 3-year terms. § 26A-1-109.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

County boards of health shall: cooperate with the municipality in the adoption of ordinances for the protection of public health; elect officers; annually report the operations of the local health department and the board to the local governing bodies; annually send a copy of the local health department's approved budget to the local health department and all local governing bodies; determine the general public health policies and adopt and enforce rules, regulations, and standards to implement the board's public health policies; adopt only written procedures, and provide public hearings prior to the adoption of any regulation or standard. Boards shall appoint and set compensation for a local health officer. §§ 26A-1-109, 26A-1-110, 26A-1-121, 10-7-3.

County boards of health may: make standards and regulations, administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name of the board in any adjudicative hearing. §§ 26A-1-109, 26A-1-121.

### Additional Notes

None.

## Vermont

### Relevant Statutes

18 V.S.A. §§ 601, 604, 613, 617, 512.

### Local BOH Jurisdictions

Vermont statutes provide for district, city/town, and “district advisory” boards of health. 18 V.S.A. §§ 601, 604.

### Board Composition Requirements

The city board of health in Barre is composed of the health officer and three legal voters of the city. Other city/town boards of health are composed of the local health officer and the selectmen of the town or the city council of the city. District boards of health are composed of representative citizens of the towns in the district. §§ 601, 512.

### Appointing Authority

The selectmen of towns and cities in a health district appoint the boards of health. No appointment process is described in the statute. § 601.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

The Barre city board of health is required to make duplicate records of all its doings and reports and file it with the city clerk. No other duties for local boards of health are described. § 512.

District/town boards of health may: Make and enforce rules and regulations relating to the prevention, removal, or destruction of public health hazards (abatement) and the mitigation of public health risks, and call upon sheriffs, constables, and police officers to assist them in their duties. §§ 613, 617.

### Additional Notes

Local boards of health powers do not include the power to adopt ordinances, rules, or regulations relating to design standards for on-site sewage disposal systems. § 613. In the city of Barre, the local board of health shall be subject, at all times, to the direction of the city manager. § 512.

## Virginia

### Relevant Statutes

Va. Code Ann. §§ 32.1-31, et seq.; §§ 15.2-411, 15.2-534, 15.2-629, 15.2-839.

### Local BOH Jurisdictions

Virginia statutes provide for county and city/town boards of health ("local health services advisory boards"). §§ 15.2-411, 15.2-534, 32.1-31.

### Board Composition Requirements

Local boards of health are composed of 10 to 15 members. County boards must include two "qualified" citizens of the county and the county health officer or health director. The county health officer joins the board ex officio. Local health services advisory boards are composed of representatives of health care providers, recipients of health department services, state and local agencies with programs operated in conjunction with the health department, and the public at large. No more than two elected officials may serve on any board. §§ 15.2-411, 15.2-534, 15.2-629, 32.1-31.

### Appointing Authority

The board of county supervisors appoints the county board of health. The governing body of the jurisdiction appoints the local health services advisory board. §§ 15.2-411, 32.1-31.

### Terms of Office

Not specified in statute.

### Statutory Role of BOH

Where there is a county board form of government, county boards of health are to advise and cooperate with the county health officer. Where there is either a county executive or county manager, county boards of health are to adopt necessary rules and regulations concerning the department of health. In counties with an urban county executive, county boards of health are to advise and cooperate with the department of health, and have power to adopt rules and regulations concerning the health department. Local health advisory boards are to enforce all health laws of the state and regulations of the State Board of Health. §§ 15.2-411, 15.2-629, 15.2-839, 31.1-32B.

### Powers and Duties

Local boards of health shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination, and evaluation of local health services systems and must make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

County boards of health in counties with a county board form of government shall advise and cooperate with the county health officer. County boards of health in counties with an urban executive/county executive form of government shall advise the department of health but may also adopt rules and regulations concerning the health department. Local health advisory boards shall enforce all health laws of the state and regulations of the State Board of Health. §§ 15.2-411, 31.1-31, 15.2-839, 31.1-32.

County boards of health in counties with an urban executive/county executive form of government may adopt rules and regulations concerning the health department. § 15.2-839.



### **Additional Notes**

County boards of health may be abolished at any time by the board of county supervisors. Where power to adopt rules and regulations exists, these must not be in conflict with law. § 15.2-411.

## Washington

### Relevant Statutes

Rev. Code Wash. (ARCW) §§ 70.46.020, et seq.; §§ 70.05.030, et seq.

### Local BOH Jurisdictions

Washington statutes provide for district and county boards of health. §§ 70.05.030, 70.46.020.

### Board Composition Requirements

District boards of health are composed of existing county commissioners, with the option of appointing additional members by the county commissioners. District boards shall have least five members for two-county districts, and at least seven members for districts of three or more counties, including at least two representatives from each county commission. "Home rule" county boards of health may include elected officials and other individuals from cities and towns, but elected officials may not constitute the majority. Non-home rule county boards of health are composed of members from the county commissioners, with the option to expand the board of health, so long as elected officials do not constitute the majority of the board. §§ 70.05.030, 70.05.035, 70.46.020.

### Appointing Authority

County boards of health are distinguished in Washington based on whether they are "home rule" counties or non-home rule counties. "Home rule" county boards of health are appointed by the county legislative authority whereas non-home rule county boards are ex officio the county board of commissioners or appointed by the county commissioners. District boards of health are ex officio county commissioners, with the option of appointing additional members by the county commissioners. §§ 70.05.030, 70.05.035, 70.46.020.

### Terms of Office

Appointing authorities determine terms of office, with the exception of the county commissioner board member, who serves only for the term of their office. §§ 70.05.030, 70.05.035, 70.46.020.

### Statutory Role of BOH

A local board of health supervises all matters pertaining to the preservation of the life and health of the people within its jurisdiction. § 70.05.060.

### Powers and Duties

Local boards of health shall: elect a chair, appoint a local health officer to perform duties delegated by the board for the enforcement of public health regulations/statutes, supervise all health and sanitary measures within its jurisdiction, enact local rules and regulations to improve the public health and ensure the control and prevention of disease and abatement of nuisances, report to the State Board of Health on its progress whenever certain diseases arise, and establish fee schedules for issuing or renewing licenses or permits. §§ 70.05.040, 70.05.060, 70.05.110.

Local boards of health may appoint an administrative officer. § 70.05.040.

District boards of health constitute the local board of health for all territory included in the health district, and supersede and exercise all powers and perform all duties of the county board of health of any county included in the health district. § 70.46.060.

### Additional Notes

None.

## West Virginia

### Relevant Statutes

W. Va. Code §§ 16-2-2, et seq.

### Local BOH Jurisdictions

West Virginia statutes provide for district, county, city-county, and city boards of health. § 16-2-2.

### Board Composition Requirements

Local boards of health are composed of five or more members, including no more than two from the same business, profession, or occupation, and no more than three members may belong to the same political party. Additionally, no more than two members may reside in the same municipal ward or magisterial district. §§ 16-2-6, 16-2-8.

### Appointing Authority

For city boards of health, the governing bodies of the jurisdiction appoint. For other boards of health, the county commission appoints. Generally, appointments are approved by vote of the governing body or county commission. §§ 16-2-3, 16-2-8.

### Terms of Office

Local boards of health serve 5-year terms. § 16-2-9.

### Statutory Role of BOH

Local boards of health are responsible for directing, supervising, and carrying out matters relating to the public health of their respective counties or municipalities. The statute makes the provisions uniform and applicable to all local boards of health, whatever organizational form is elected, to ensure the consistent performance of duties relating to basic public health services, other health services, and the enforcement of the laws of West Virginia pertaining to public health. § 16-2-1. Local boards are also charged with protecting the health and safety, as well as promoting the interests of the citizens of West Virginia. § 16-2-11.

### Powers and Duties

A local board of health shall: provide community/environmental/disease health prevention and protection; appoint a local health officer; provide equipment and facilities for the local health department; annually develop a budget; comply with tax requirements and audits, as well as subject to the supervision and control of the State Health Commissioner; elect a chairperson; meet at least four times a year; and enforce public health laws. §§ 16-2-10, 16-2-11.

A local board of health may: meet as often as it likes; provide primary care services, clinical and categorical programs, and enhanced public health services; employ or contract with any persons; adopt, promulgate, and amend rules; accept and receive money or property from any source to be used for public health purposes; assess, charge, and collect fees for permits/licenses and for services provided by the local health department; and contract with any municipality, county, or board of education for the provision of local health services or for the use of public health facilities. Additionally, boards may retain and make available child safety car seats, collect rental and security deposit fees for expenses relating to maintaining child car seats, and conduct public education on the safety of car seats. If a member of the local board of health is also a member of the governing jurisdiction, that person has the power to levy taxes on behalf of the board of health. §§ 16-2-10, 16-2-11, 16-2-14.

### Additional Notes

None.

## Wisconsin

### Relevant Statutes

Wis. Stat. §§ 251.01, et seq.

### Local BOH Jurisdictions

Wisconsin statutes provide for county, multi-county, city, multi-city, and city-county boards of health. §§ 251.01, 251.02.

### Board Composition Requirements

A local board of health may have a maximum of nine members, and should reflect the diversity of the community. It should include at least three members with interest/competence in community health who are not elected officials. Whenever possible, two of the three non-official positions should be an RN and a physician. A county human services board may serve as the local board of health if approved by the county board of supervisors. A village/town board of health may be composed either partially or wholly of existing town board members. §§ 251.02, 251.03.

### Appointing Authority

In counties with a county executive, the chief executive or governing body of the jurisdiction appoints, subject to confirmation by the board of supervisors. In counties without a county executive, the chairperson of the county board of supervisors appoints, subject to confirmation by the entire board of supervisors. §§ 251.02, 251.03.

### Terms of Office

Appointing entities determine term length. § 251.03.

### Statutory Role of BOH

Local boards of health are the policy-making body for a local health department. § 251.04.

### Powers and Duties

A local board of health shall: enforce state public health statutes and rules; report regularly to the State Board of Health; ensure compliance with statutes of the local health department as well as govern the department; assess public health needs and advocate for the provision of reasonable and necessary services; employ qualified public health professionals, including a public health nurse to conduct general public health nursing programs; coordinate the activities of any sanitarian employed by the jurisdiction; annually publish a budget of its proposed expenditures for the ensuing fiscal year; and set compensation for health department employees (county, multi-county, and city-county boards of health only). §§ 251.04, 251.10, 251.11.

A local board of health may: contract or subcontract with public or private entities to provide public health services; adopt regulations for its own guidance and for the governance of the local health department; and receive gifts and donations. §§ 251.04, 251.14.

### Additional Notes

Board of health regulations may be no less stringent than, and may not conflict with, state statutes and rules of the Department of Health. § 251.04.

In a single county with a county executive/administrator, the executive/administrator may assume the powers and duties of the county board of health, in which instance the board of health's sole function would be as the policy-making body for the health department. §§ 251.04, 251.14.

## Wyoming

### Relevant Statutes

Wyo. Stat. §§ 35-1-302, et seq.

### Local BOH Jurisdictions

Wyoming statutes provide for district, county, and city/town boards of health. § 35-1-302.

### Board Composition Requirements

County and city boards of health shall be composed of five members, all of whom must be qualified electors of the county in which they serve, including one physician and one dentist when they are available. District boards must have least one representative on the board for each participating political subdivision; the district board of health shall not have less than seven members and must include at least one physician and one dentist. § 35-1-302.

### Appointing Authority

For county and district boards of health, the board of county commissioners appoints. For city boards of health, the governing body of the city appoints. §35-1-302.

### Terms of Office

City and county boards serve 5-year terms; district boards serve 4-year terms. § 35-1-302(b).

### Statutory Role of BOH

Not specified in statute.

### Powers and Duties

A board of health shall: submit a health department operating budget annually to board(s) of county commissioners and/or the city governing body, and terminate the affairs of the health department when the board(s) of county commissioners and/or the city governing bodies issue a resolution dissolving the department. §§ 35-1-304, 35-1-308.

A board of health may: enact rules and regulations for the prevention of disease and the promotion of public health, appoint a health officer and other personnel to protect the public health, and fix reasonable fees for services (with some exceptions). §§ 35-1-303, 35-1-305.

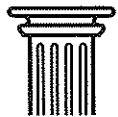
### Additional Notes

Board of health rules and regulations cannot be less effective than, or in conflict with, those of the State Department of Health. § 35-1-303. Board of health-established fees are subject to public hearing, and approval of the city council or the board of county commissioners, as appropriate. No fee shall exceed \$500.00. § 35-1-305.





The National Association of Local Boards of Health has publications available in the following public health programs:



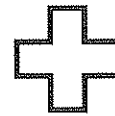
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